BORA LASKIN LAW LIBRARY
3 1761 03341 4392

CRIMINAL LAW

VOLUME II

Alan Brudner

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law,
University of Toronto

1997-1998

Storage

BORA LASKIN LAW LIBRARY

OCT 7 1997

FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

CRIMINAL LAW

VOLUME II

Alan Brudner

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law,
University of Toronto

1997-1998

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/criminallaw02brud_23

TABLE OF CONTENTS

Volume II

Page No.

Chapter Ten: Mistake of Fact

R. v. Rees 394

R. v. Metro News Ltd. 396

R. v. Pappajohn 408

R. v. Sansregret 421

R. v. Osolin 429

Toni Pickard, "Culpable Mistakes and Rape: Harsh Words on Pappajohn" 440

R. v. Ladue 445

R. v. Burgess 447

R. v. Vicko 448

R. v. Kundeus 449

LRCC Draft Code 459

Chapter Eleven: Ignorance of the Law

Rex v. Bailey 460

Rex v. Esop 461

R. v. Campbell and Mlynarchuk 462

Rex v. Ross 466

The Statutory Instruments Act 468

R. v. Molis 468

R. v. Pontes 472

R. v. Maclean 494

R. ex. rel. Irwin v. Daley 499

The Queen v. Cancoil Thermal Corporation and Parkinson 501

R. v. Jorgensen 503

R. v. Shymkowich 511

R. v. Howson 513

LRCC Draft Code 515

Chapter Twelve: Intoxication

D.P.P. v. Beard 517

D.P.P. v. Majewski 520

Bernard v. The Queen 523

R. v. Daviault . . . 536
Bill C- [An Act to amend the Criminal Code] . . . 559
LRCC Draft Code . . . 560
G.P. Fletcher, Intoxication . . . 562

Chapter Thirteen: Insanity

A) Fitness to Stand Trial

The Mental Health Act, R.S.O. 1980, c. 262 . . . 566
The Ouimet Report (1969) . . . 568

B) Insanity as a Defense

R. v. Swain . . . 570
M'Naghten's Case . . . 576
Cooper v. The Queen . . . 579
Kjeldsen v. The Queen . . . 585
R. v. Abbey . . . 586
R. v. Kirkby . . . 588
Schwartz v. The Queen . . . 588
Chaulk v. The Queen . . . 593

C) Who May Raise the Issue?

R. v. Simpson . . . 601
R. v. Saxell . . . 607
R. v. Swain . . . 608

D) The Reverse Onus

Chaulk v. The Queen . . . 625

E) Diminished Responsibility

More v. The Queen . . . 649
R. v. Wright . . . 652

F) Irresistible Impulse

R. v. Borg . . . 655
A.L.I. Model Penal Code . . . 661

Chapter Fourteen: Automatism

Fain v. The Commonwealth of Kentucky . . . 662
Rex v. Shaw . . . 664
R. v. Charlson . . . 665
Bratty v. A-G for Northern Ireland . . . 668
R. v. Quick; R. v. Paddison . . . 675

Rabey v. The Queen 679
R. v. Parks 688

Chapter Fifteen: Provocation

Salamon v. The Queen 699
Bedder v. Director of Public Prosecutions 702
D.P.P. v. Camplin 704
R. v. Hill 705
R. v. Galgay 722
R. v. Thibert 723

Chapter Sixteen: Necessity

United States v. Holmes 732
The Queen v. Dudley and Stephens 737
Perka v. The Queen 741
A.L.I. Model Penal Code 761
LRCC Draft Code 762

Chapter Seventeen: Duress

The Queen v. Carker (No. 2) 764
R. v. Hudson and Taylor 767
R. v. Hibbert 769
A.L.I. Model Penal Code 790
LRCC Draft Code 790

Chapter Eighteen: Self-Defence

R. v. Cadwallader 792
R. v. Bogue 795
Lavallee v. The Queen 800
R. v. Deegan 815
R. v. Faid 817
LRCC Draft Code 817

Chapter Nineteen: Entrapment

United States v. Russell 819
Mack v. The Queen 831
Barnes v. The Queen 850